

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Re: Appeal to the Board of Patent Appeals and Interferences

PATENT  
APPLICATION

In re PATENT APPLICATION of

Inventor(s): Richard Arthur BIRCH et al.

Appln. No.: 10 583,269  
Series Code  $\uparrow$  Serial No.  $\uparrow$

Group Art Unit: 1796

Examiner.: Nguyen, T.

Atty. Dkt. 056222 5098  
M# Client Ref

Filed: June 16, 2006

Title: PRODUCTION OF PARTICLES

Confirmation No. 2659

Date: October 29, 2008

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

1. ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated April 29, 2008 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2. ☐ **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3. ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer- unextendable).
4. ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5. ☐ "Small entity"
6. ☐ Fee NOT required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

7. FEE CALCULATION

	Large/Small Entity		Fee Code
If box 1 above is X'd, ..... enter	\$540/270	\$540.00	119/219
If box 2 above is X'd, ..... enter	\$540/270	\$0	120/220
If box 3 above is X'd, ..... enter	\$1080/540	\$0	121/221
If box 4 above is X'd, ..... enter nothing	- 0 - (no fee)		
8. Original due date: July 29, 2008			
9. Petition is hereby made to extend the original due date (1 mo)	\$130/\$65	\$	115/215
to cover the date this response is filed for which the (2 mos)	\$490/\$245		116/216
requisite fee is attached. (3 mos)	\$1,110/\$555	\$1,110.00	117/217
(4 mos)	\$1,730/\$865		118/218
(Usable only if box 2 is X'd-- 5 mos)	\$2,350/\$1,175	+\$0	128/228
10. Enter any previous extension fee paid <input type="checkbox"/> previously since above			
Original due date (item 8); <input type="checkbox"/> with concurrently filed amendment.....			
11. Subtract line 9 from line 8 and enter: Total Extension Fee			
12. TOTAL FEE ATTACHED = \$1,650.00			

(Our Deposit Account No. 50-0310)

(Our Order No. 056222 5098  
C# M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Morgan Lewis & Bockius

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